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EXAMINER
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DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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05/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/849,715

Applicant(s)

KIRBAS ET AL.

Examiner

Willie J. Daniel, Jr.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 41-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on 23 February 2007. **Claims 41-54** are now pending in the present application and **claims 1-40** are canceled. This office action is made **Final**.

### *Claim Objections*

2. The objections applied to the claims are withdrawn, as the proposed claim corrections are approved.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 41-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** in view of **Irvin (US 6,556,819 B2)**.

Regarding **claim 41**, Schmidt discloses a method for restricting communication in a mobile station (12, 28) which reads on the claimed "wireless communication device" (see abstract; Figs. 1, 2, 4, and 5), comprising the steps of:

receiving a phone number into the wireless communication device (28) (see col. 7, lines 42-44; Fig. 5 'ref. 82');

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

utilizing a processor (54) which reads on the claimed "controller" in the wireless communication device (28) to determine if the current physical location (74, 76, 78, 80) matches at least one authorized physical location (e.g., home system) stored in a memory (58) of the wireless communication device (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54);

utilizing the controller (54) to determine if at least a portion of the received phone number matches at least one approved geographic characteristic (e.g., phone number) stored in the memory (58) (see col. 6, lines 15-16,27-38; Figs. 2, 3, and 5 'ref. 82'); and

permitting one of a placement of a phone call to the received phone number and a receipt of the phone call from the received phone number only if the current physical location matches the at least one authorized physical location (e.g., home system) and if the at least the portion of the received phone number matches the at least one approved geographic characteristic (e.g., phone number) (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'); where incoming or outgoing calls are permitted based on phone number and location. Schmidt does not specifically disclose having the feature utilizing a global positioning system (GPS) functional device contained within the wireless communication device. However, the examiner maintains that the feature

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utilizing a global positioning system (GPS) functional device contained within the wireless communication device was well known in the art, as taught by Irvin.

In the same field of endeavor, Irvin discloses the feature utilizing a global positioning system (GPS) functional device (160) contained within the mobile communication terminal (100) which reads on the claimed "wireless communication device" (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GSP receiver (160) is able to determine the physical location of the terminal (100). As a note, Irvin also discloses other features such as utilizing a control unit (102) which reads on the claimed "controller" in the wireless communications device (100) to determine if the current physical location matches and at least one of authorized location (e.g., safe zone) stored in a memory (170) (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460"), where the control unit compares the terminal (100) to the safe zones; and receiving (i.e., dialing) a phone number (i.e., digit) into the wireless communications device (100) (see col. 3, lines 23-27, 37-42; col. 4, lines 22-28), where the user dials numbers (e.g., input numbers or digit string) using the keypad (108) of the mobile communication terminal (100) which is a typical process when making a phone call using a telephone (e.g., cellular phone). In addition, the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be inherent for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature utilizing a global positioning system (GPS) functional device contained within the wireless

communication device, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 42**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein the at least one approved geographic characteristic is an area code, and the at least the portion of the received phone number is an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code.

Regarding **claim 43**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein the phone number is received from a user interface (e.g., call initiator 36) of the wireless communication device (28) (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device.

Regarding **claim 44**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein at least one unauthorized physical location is stored in the memory (58) (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 128');

further comprising: blocking one of the placement of the phone call and the receipt of the phone call if the at least one unauthorized physical location matches the current physical location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'),

where incoming or outgoing calls are prohibited when roaming based on phone number and location. In addition, Irvin also discloses the feature such as at least one unauthorized location is stored in the memory (170) (see Fig. 4 'ref. 470').

Regarding **claim 45**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein at least one unauthorized geographic characteristic is stored in the memory (58) (see col. 7, lines 38-40; Figs. 2-4), further comprising:

blocking one of the placement of the phone call and the receipt of the phone call if the at least the portion of the received phone number matches the at least one unauthorized geographic characteristic (see col. 8, lines 6-10; col. 9, lines 14-18, 45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location.

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a memory (58) for storing at least one authorized area code and at least one authorized location (e.g., home system) (see col. 6, lines 27-34, 46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location;

a user interface (e.g., call initiator 36) for inputting an outgoing number into the wireless communication device (28) (see col. 5, lines 51-54, 60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device,

the outgoing number having an outgoing area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

a transceiver (30) which reads on the claimed "wireless interface circuit" for receiving an incoming phone number corresponding to an incoming call to the wireless communication device (28) (see col. 6, lines 4-7; Fig. 2), where the user of the mobile station (28) can receive an incoming call from another communication device in which the phone number is a 10-digit number that has an area code,

the incoming phone number having an incoming area code (see col. 5, lines 51-54; Fig. 3), where the user of the mobile station (28) can receive an incoming call from another communication device in which the phone number is a 10-digit number that has an area code;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) connected to the memory (58), the user interface (36), the wireless interface circuit (30) (see col. 6, lines 4-16,27-28; Fig. 2),

the processor (54) allowing one of a placement of an outgoing call to the outgoing number and receipt of the incoming call only if the at least one authorized location matches the current physical location and only if the at least one authorized area code matches one of the incoming area code and the outgoing area code (see abstract; col. 6, lines 15-16; col. 5,



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lines 51-54; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 3, 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location. Schmidt does not specifically disclose having the features a global positioning system (GPS) for determining a current physical location of the wireless communication device; a processor connected to the GPS. However, the examiner maintains that the features a global positioning system (GPS) for determining a current physical location of the wireless communication device; a processor connected to the GPS was well known in the art, as taught by Irvin.

Irvin further discloses the features a global positioning system (GPS) (160) for determining a current physical location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GSP receiver (160) is able to determine the physical location of the terminal (100);

a control unit (102) which reads on the claimed "processor" connected to the GPS (160) (see Fig. 2). As additional support, Irvin further discloses having the features such as a memory (170) for storing at least one authorized area code and at least one authorized location (e.g., safe zone) (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460"); a processor (102) connected to the memory (150, 170), the user interface (108), the wireless interface circuit (transmitter 120, receiver 140) (see Fig. 2); the processor allowing one of a placement of an outgoing call to the outgoing number only if the at least one authorized location matches the current physical location (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460"), where the control unit compares the terminal (100) to the safe zones in which the user the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party

based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is determined to be in a safe zone in which the placing of a call would be inherent for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature a global positioning system (GPS) for determining a current physical location of the wireless communication device; a processor connected to the GPS, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 47**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 46), in addition Schmidt further discloses the wireless communication device of claim 46, wherein at least one unauthorized location is stored in the memory (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 4, 5 'ref. 92', and 6a 'ref. 128'); and

wherein the processor (54) blocks one of the outgoing call and the incoming call if the at least one unauthorized location matches the current physical location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location. In addition, Irvin also discloses the feature such as at least one unauthorized location is stored in the memory (170) (see Fig. 4 'ref. 470').

Regarding **claim 48**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 46), in addition Schmidt further discloses the wireless

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communication device of claim 46, wherein at least one unauthorized area code is stored in the memory (58) (see col. 5, lines 51-54; col. 7, lines 38-40; Figs. 2-4); and

wherein the processor (54) blocks one of the outgoing call and the incoming call if the at least one unauthorized area code matches one of the incoming area code and the outgoing area code (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54).

Regarding **claim 49**, Schmidt discloses a communication system (10) which reads on the claimed "wireless communication network" for restricting communication between a first wireless device (12, 28) and a second communication device (14) (see abstract; col. 5, lines 33-42; Fig. 1), the wireless communication network (10) comprising:

a cellular service network (10) for facilitating a phone call between the first wireless device (12, 28) and the second communication device (12, 28) (see col. 5, lines 33-42; Fig. 1); and

the first wireless device (12, 28) (see Fig. 2) comprising:

a memory (58) for storing at least one authorized geographic characteristic and at least one authorized location (see Figs. 2-4);

an interface (36) for receiving a phone number (see Fig. 2);

determining a current physical location of the first wireless device (12, 28) (see Figs. 4 and 5 'ref. 84');

a processor (54) connected to the memory (58), the interface (36) (see col. 6, lines 4-16,27-28; Fig. 2),

the processor (54) for permitting one of a placement of an outgoing call to the received phone number and a receipt of an incoming call from the received phone number only if at least a portion of the received phone number matches the stored at least one authorized geographic characteristic and only if the current physical location matches the at least one authorized location (see abstract; col. 6, lines 15-16; col. 5, lines 51-54; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 3, 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location. Schmidt does not specifically disclose having the features a global positioning system (GPS) for determining a current physical location of the first wireless device; a processor connected to the GPS. However, the examiner maintains that a global positioning system (GPS) for determining a current physical location of the first wireless device; a processor connected to the GPS was well known in the art, as taught by Irvin.

Irvin further discloses the features a global positioning system (GPS) (160) for determining a current physical location of the first wireless device (100) (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GSP receiver (160) is able to determine the physical location of the terminal (100);

a processor (102) connected to the GPS (160) (see Fig. 2). As additional support, Irvin further discloses having the features such as a memory (170) for storing at least one authorized area code and at least one authorized location (e.g., safe zone) (see col. 6, lines 1-

18,33-37; Fig. 4 “ref. 460”); a processor (102) connected to the memory (150, 170), the user interface (108) (see Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature a global positioning system (GPS) for determining a current physical location of the first wireless device; a processor connected to the GPS, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 50**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 49), in addition Schmidt further discloses the wireless communication network of claim 49, wherein the interface for receiving a phone number is one of a keypad (e.g., call initiator 36) or a wireless interface (30) (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 ‘ref. 82’), where the user of the mobile station (28) dials the phone number of another communication device.

Regarding **claim 51**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 49), in addition Schmidt further discloses the wireless communication network of claim 49, wherein the at least one authorized geographic characteristic comprises an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 ‘ref. 82’), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code.

Regarding **claim 52**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 49), in addition Schmidt further discloses the wireless communication network of claim 49, wherein the at least one authorized geographic characteristic and the at least one authorized location are received from the cellular service network (see col. 7, lines 54-58; col. 8, lines 34-38,44-51; Figs. 5 and 6a-b).

Regarding **claim 53**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 49), in addition Schmidt further discloses the wireless communication network of claim 49, wherein at least one unauthorized location is stored in the memory (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 4, 5 'ref. 92', and 6a 'ref. 128'); and

wherein the processor blocks one of the outgoing call and the incoming call if the at least one unauthorized location matches the current physical location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location. In addition, Irvin also discloses the feature such as at least one unauthorized location is stored in the memory (170) (see Fig. 4 'ref. 470').

Regarding **claim 54**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 49), in addition Schmidt further discloses the wireless communication network of claim 49, wherein at least one unauthorized geographic characteristic is stored in the memory (58) (see col. 5, lines 51-54; col. 7, lines 38-40; Figs. 2-4); and

wherein the processor (54) blocks one of the outgoing call and the incoming call if the at least one unauthorized geographic characteristic matches the at least the portion of the received phone number (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54).

Alternate Claims 41, 46, and 49 Rejections:

**Claims 41, 46, and 49** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** in view of **Agness et al. (hereinafter Agness) (US 6,799,052 B1)**.

Regarding **claim 41**, Schmidt discloses a method for restricting communication in a mobile station (12, 28) which reads on the claimed "wireless communication device" (see abstract; Figs. 1, 2, 4, and 5), comprising the steps of:

receiving a phone number into the wireless communication device (28) (see col. 7, lines 42-44; Fig. 5 'ref. 82');

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

utilizing a processor (54) which reads on the claimed "controller" in the wireless communication device to determine if the current physical location (74, 76, 78, 80) matches

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at least one authorized physical location (e.g., home system) stored in a memory (58) of the wireless communication device (see col. 6, lines 15-16; col. 7, lines 46-59, 27-40; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54);

utilizing the controller (54) to determine if at least a portion of the received phone number matches at least one approved geographic characteristic (e.g., phone number) stored in the memory (58) (see col. 6, lines 15-16, 27-38; Figs. 2, 3, and 5 'ref. 82'); and

permitting one of a placement of a phone call to the received phone number and a receipt of the phone call from the received phone number only if the current physical location matches the at least one authorized physical location (e.g., home system) and if the at least the portion of the received phone number matches the at least one approved geographic characteristic (e.g., phone number) (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location. Schmidt does not specifically disclose having the feature utilizing a global positioning system (GPS) functional device contained within the wireless communication device. However, the examiner maintains that the feature utilizing a global positioning system (GPS) functional device contained within the wireless communication device was well known in the art, as taught by Agness.

In the same field of endeavor, Agness discloses the feature utilizing a global positioning system (GPS) functional device (45) contained within the mobile communication terminal (cell phone 13) which reads on the claimed "wireless communication device" (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS



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circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Agness to have the feature utilizing a global positioning system (GPS) functional device contained within the wireless communication device, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

a memory (58) for storing at least one authorized area code and at least one authorized location (e.g., home system) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location;

a user interface (e.g., call initiator 36) for inputting an outgoing number into the wireless communication device (28) (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device,

the outgoing number having an outgoing area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

a transceiver (30) which reads on the claimed “wireless interface circuit” for receiving an incoming phone number corresponding to an incoming call to the wireless communication device (28) (see col. 6, lines 4-7; Fig. 2), where the user of the mobile station (28) can receive an incoming call from another communication device in which the phone number is a 10-digit number that has an area code,

the incoming phone number having an incoming area code (see col. 5, lines 51-54; Fig. 3), where the user of the mobile station (28) can receive an incoming call from another communication device in which the phone number is a 10-digit number that has an area code;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) connected to the memory (58), the user interface (36), the wireless interface circuit (30) (see col. 6, lines 4-16, 27-28; Fig. 2),

the processor (54) allowing one of a placement of an outgoing call to the outgoing number and receipt of the incoming call only if the at least one authorized location matches the current physical location and only if the at least one authorized area code matches one of the incoming area code and the outgoing area code (see abstract; col. 6, lines 15-16; col. 5, lines 51-54; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 3, 5 ‘ref. 86 and 90’, 6a ‘ref. 108 and 112’), where incoming or outgoing calls are permitted based on phone number and location. Schmidt does not specifically disclose having the features a global positioning system (GPS) for determining a current physical location of the wireless communication

device; a processor connected to the GPS. However, the examiner maintains that the features a global positioning system (GPS) for determining a current physical location of the wireless communication device; a processor connected to the GPS was well known in the art, as taught by Agness.

Agness further discloses the features a global positioning system (GPS) (45) for determining a current physical location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);

a microprocessor (43) which reads on the claimed "processor" connected to the GPS (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Agness to have the feature a global positioning system (GPS) for determining a current physical location of the wireless communication device; a processor connected to the GPS, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Regarding **claim 49**, Schmidt discloses a communication system (10) which reads on the claimed "wireless communication network" for restricting communication between a first wireless device (12, 28) and a second communication device (14) (see abstract; col. 5, lines 33-42; Fig. 1), the wireless communication network (10) comprising:

a cellular service network (10) for facilitating a phone call between the first wireless device (12, 28) and the second communication device (12, 28) (see col. 5, lines 33-42; Fig. 1); and

the first wireless device (12, 28) (see Fig. 2) comprising:

a memory (58) for storing at least one authorized geographic characteristic and at least one authorized location (see Figs. 2-4);

an interface (36) for receiving a phone number (see Fig. 2);

determining a current physical location of the first wireless device (12, 28) (see Figs. 4 and 5 'ref. 84');

a processor (54) connected to the memory (58), the interface (36) (see col. 6, lines 4-16, 27-28; Fig. 2),

the processor (54) for permitting one of a placement of an outgoing call to the received phone number and a receipt of an incoming call from the received phone number only if at least a portion of the received phone number matches the stored at least one authorized geographic characteristic and only if the current physical location matches the at least one authorized location (see abstract; col. 6, lines 15-16; col. 5, lines 51-54; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 3, 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location. Schmidt does not specifically disclose having the features a global positioning system (GPS) for determining a current physical location of the first wireless device; a processor connected to the GPS. However, the examiner maintains that a global positioning system (GPS) for

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determining a current physical location of the first wireless device; a processor connected to the GPS was well known in the art, as taught by Agness.

Agness further discloses the features a global positioning system (GPS) (45) for determining a current physical location of the first wireless device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);

a microprocessor (43) which reads on the claimed "processor" connected to the GPS (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Agness to have the feature a global positioning system (GPS) for determining a current physical location of the first wireless device; a processor connected to the GPS, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

***Response to Arguments***

4. Applicant's arguments filed 23 February 2007 have been fully considered but they are not persuasive.

The Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding applicant's argument of claim 41 in section B, paragraph bridging pgs. 7-8, "...fails to teach...utilizing the controller to determine if at least a portion of the received phone number matches at least one approved geographic characteristic stored in the memory and/or permitting one of a placement of a phone call to the received phone number and a receipt of the phone call from the received number only if the at least the portion of the received phone number matches the at least one approved geographic characteristic...", the Examiner respectfully disagrees. Applicant admits on pg. 8, 2<sup>nd</sup> paragraph - 3<sup>rd</sup> paragraph, line 3, "...Schmidt teaches is checking to ensure that placing and receiving calls is allowed during, before a call is placed by or received by a wireless device that is roaming..." as stated by applicant. Apparently, applicant has failed to appreciate well-known prior art Schmidt, Irvin, and Agnes that clearly discloses the claimed features as would be clearly recognized by one of ordinary skill in the art. In particular, Schmidt clearly discloses the features utilizing

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the controller (54) to determine if at least a portion of the received phone number matches at least one approved geographic characteristic (e.g., phone number) stored in the memory (58) (see col. 6, lines 15-16, 27-38; col. 7, lines 9-11, 41-54; Figs. 2, 3, and 5 'ref. 82'), where a phone number and location is checked with information of the memory (see col. 7, lines 9-11, 27-54); and permitting one of a placement of a phone call to the received phone number and a receipt of the phone call from the received phone number only if the current physical location matches the at least one authorized physical location (e.g., home system) and if the at least the portion of the received phone number matches the at least one approved geographic characteristic (e.g., phone number) (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location (see col. 7, lines 9-11, 27-54). In addition, phone number (i.e., 10-digit number) has an area code in which one of ordinary skill in the art would clearly recognize.

6. Regarding claims 42-54, the claims are addressed for the same reasons as set forth above and as applied above in each claim rejection.

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until

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after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,JR/

WJD,JR  
01 May 2007

  
CHARLES N. APPIAH  
SUPERVISORY PATENT EXAMINER